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From: Douglas D. Russell


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Date: July 26, 2005 **Time:** CST

Re: Notice of Appeal
U.S. Patent Application No. 10/708471
Filing Date: 03/05/2004
Inventor: Henderson
Attorney Docket No. 800769

Pages: 3, including this cover sheet

Attached is Applicant's Notice of Appeal for the subject patent application.

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.			
Typed or printed name	Ellen Huffman		
Signature		Date	July 26, 2005

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PTO/SB/31 (09-04)

Approved for use through 07/31/2006. OMB 08551-0031

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NOTICE OF APPEAL FROM THE EXAMINER TO THE BOARD OF PATENT APPEALS AND INTERFERENCES		Docket Number (Optional) 800769	
I hereby certify that this correspondence is being deposited ^{transmitted} with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 (37 CFR 1.8(a))" on <u>July 26, 2005</u> .		In re Application of Timothy David Robert Henderson	
Signature <u>Ellen Huffman</u> Typed or printed name <u>Ellen Huffman</u>		Application Number 10/708471	Filed 3/5/2004
		For Resilient Elastomeric Structure	
		Art Unit 3714	Examiner Nguyen, Kien T.
Applicant hereby appeals to the Board of Patent Appeals and Interferences from the last decision of the examiner.			
The fee for this Notice of Appeal is (37 CFR 41.20(b)(1))		\$ <u>500.00</u>	
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee shown above is reduced by half, and the resulting fee is:		\$ <u>250.00</u>	
<input type="checkbox"/> A check in the amount of the fee is enclosed.			
<input checked="" type="checkbox"/> Payment by credit card. Form PTO-2038 is attached.		07/27/2005 TL0111 00000041 10708471	
<input type="checkbox"/> The Director has already been authorized to charge fees in this application to a Deposit Account. I have enclosed a duplicate copy of this sheet.		01 FC-2401 250.00 07	
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<input type="checkbox"/> applicant/inventor.		<u>Douglas D. Russell</u> Signature	
<input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)		<u>Douglas D. Russell</u> Typed or printed name	
<input checked="" type="checkbox"/> attorney or agent of record. Registration number <u>40152</u>		<u>512-338-4601</u> Telephone number	
<input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34. _____		<u>July 26, 2005</u> Date	
NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.			
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This collection of information is required by 37 CFR 41.31. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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